

Regular Meeting
Thursday, July 23, 2015

Springview Government Center
3130 E. Main Street
Springfield, Ohio 45505

Mr. Tim Greenwood, Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Tim Greenwood, Mr. Don Wallace, Mr. Rick Smith, Mr. Jack Spurlock and Mr. David Minard

Also Present: Mr. Allan Neimayer, Mrs. Anette Ulery, Mr. Ethan Harris and Mr. Terry Shaffer
Clark County Community Development, and other interested persons.

Chairperson Greenwood asks if there are any comments regarding the June 25, 2015 minutes. Hearing none he asks for a motion.

BZA: 07-19-2015: Minutes ~ June 25, 2015

Motion by Mr. Wallace, seconded by Mr. Spurlock, to **Approve** the minutes as presented.

VOTE: Yes: Mr. Wallace, Mr. Spurlock, and Mr. Greenwood

No: None

Motion carries.

Chairperson Greenwood explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Chairperson Greenwood asks the Board if anyone needs to Abstain. Hearing none, he asks the Staff to present the case.

BZA-2015-09: Variance Case ~ Property Owner: Ed Justice ~ Applicant: Terry Eldridge ~ Bethel Township ~ Located at 41 Oaklawn Avenue

Mr. Neimayer stated that the request is for a Variance to Chapter 2, Section B to reduce the front setback to allow for a 16 ft. by 39 ft. room addition. The subject property, approximately 0.21 acres, is located at 41 Oaklawn Avenue in Bethel Township. The property is zoned R-2A (Medium Density Single-Family Residence District). The Applicant is requesting a variance to Chapter 2, Section B to reduce the front setback from 35 ft. to 28 ft. to allow for a 16 ft. by 39 ft. room addition at the front of the house. The property is currently serviced by public sewer and on-site well.

Mr. Neimayer stated that he had not received any letters or comments concerning the case. There is a letter from the County Engineers' Department included in the Board's packet. They have no objections on this variance request.

Mr. Neimayer stated that he would answer any questions from the Board at this time.

Mr. Wallace asked if the issue of flooding was a non-issue in this case.

Mr. Neimayer stated that the subject property was not located in the flood plain.

Chairperson Greenwood asked if there were any further questions for Staff;

Mr. Wallace made a comment that even though the property is not located in the flood plain that that area tends to flood periodically.

Chairperson Greenwood asked if there were any further questions. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:05 pm. and asked if anyone would like to speak in favor of the case.

Mr. Ed Justice, whose address is 41 Oaklawn Avenue, stated that his only concerns were the setbacks were still further back than the neighbor's house and did not think there would be a problem with visibility for the road.

Chairperson Greenwood asked if anyone else would like to speak in favor of the variance request. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition. Hearing none he closed this portion of the public hearing at 2:07 pm.

Mr. Wallace asked Mr. Neimayer to see an aerial of the property.

Mr. Neimayer presented an aerial view to the Board.

Chairperson Greenwood re-opens this portion of the public hearing at 2:08 pm.

Mr. David Phares, whose address is 9766 W. National Road, stated that he is a Bethel Township Trustee. He answered Mr. Wallace's question regarding flooding. The Oaklawn properties are protected by a county ditch.

Mr. Wallace thanked Mr. Phares for that clarification.

Chairperson Greenwood asked if there were any further questions or comments from the Board. Chairperson Greenwood closes this portion of the public hearing at 2:10 pm

Chairperson Greenwood asked if there was any discussion from the Board. Hearing no further questions, Chairperson Greenwood asked for a motion.

BZA: 07-20-2015: BZA-2015-09 ~ Variance Case ~ Property Owner: Ed Justice ~ Applicant: Terry Eldridge ~ Bethel Township ~ Located at 41 Oaklawn Avenue

Motion by Mr. Smith, seconded by Mr. Wallace, to **Approve** the Variance as presented.

VOTE: Yes: Mr. Smith, Mr. Wallace, Mr. Spurlock and Mr. Minard

No: None

Motion carries.

BZA-2015-08: Conditional Use Case ~ Property Owner: T & K Brentlinger/Schaefer Family Limited Trust ~ Applicant: Barrett Paving, Monte Yates ~ Mad River Township ~ Located at 9565 Haddix Road

Mr. Neimayer stated that the request is a Conditional Use to expand an existing mineral extraction operation to PID #180-10-00023-000-042 (Schaefer Family; 62+ acres) and to PID #180-10-00023-000-049 (Brentlinger; 119+ acres). The subject property is located at 9565 Haddix Road in Mad River Township. The property is zoned A-1. The Applicant is requesting Conditional Use approval to add 182+ acres to their existing mineral extraction operation on Haddix Road. Extracted materials from the subject property will be processed using the current processing plant located at 10400 Haddix Rd. Mineral extraction operations are subject to those zoning requirements listed in Chapter 8, Section 129. {see File or Staff Report for those requirements and the Applicant's responses.}

Mr. Neimayer also stated that for the benefit of BZA members, Staff had asked the Applicant to prepare a brief history of their mineral extraction operations on Haddix Road. Included with the Staff Report is a letter dated June 19, 2015 from the Applicant with that information. Barrett Paving has been operating on Haddix Rd. since 1990. A brief history of recent expansions to the Haddix Rd. operation approved by the BZA is provided below:

- November 16, 2006; Case #BZA-2006-05 was approved by the BZA allowing Barrett Paving Materials to add an additional 87 acres (former Kirkendall property; 10658 Haddix Rd.) to an existing mineral extraction operation.
- February January 18, 2001; Case #BZA-2000-31 was approved by the BZA allowing Barrett Paving Materials to add an additional 120 acres (former Larry Molen property; west of 10400 Haddix Rd.) to an existing mineral extraction operation.
- February 17, 2000; Case #BZA-2000-02 was approved by the BZA allowing Barrett Paving Materials to add 93+ acres (former Thelma Spriggs property) at the southwest corner of Haddix and Spangler roads to an existing mineral extraction operation.

Mr. Neimayer stated that the Crossroads Land Use Plan identifies the future uses of the subject property and surrounding area as Agriculture/Rural Residential. The subject property has been in agricultural use for several years. In addition, almost all of the subject property is located in the floodplain. Prior to any excavation within the subject property, the Applicant will need to review and discuss the floodplain regulations with the County Floodplain Administrator.

Mr. Neimayer stated that the Applicant has a presentation for the Board and also there are letters included in the Board's packet from various County Agencies.

Chairperson Greenwood asked if there were any questions for Staff.

Mr. Spurlock asked if the application and paperwork is all in line and complete.

Mr. Neimayer stated that it is except for the reclamation plan, which is controlled by ODNR (Ohio Department of Natural Resources). ODNR supersedes local zoning in that respect. ODNR will not begin their review process until local zoning is complete.

Chairperson Greenwood asked if there were any further questions. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:16 pm. and asked if anyone would like to speak in favor of the case.

Mr. Jim Peifer, whose address is 20 S. Limestone Street, stated that he is the attorney for the Applicant in this Conditional Use case. A little background in the case, just using more ground in the same area that there is currently sand and gravel extraction. There will be no change in the volume of traffic on area roads. There also will be the same volume of extraction with no change. There will be no visible change in the operations. Barrett Paving has a very good reputation and has been in business since the early 1990's. They also have a good relationship with Wright Patterson Air Force Base.

Mr. Peifer stated that present with him today was Mr. Monte Yates, Mine Planner for Barrett Paving Materials Inc. The property is owned by T & K Brentlinger and the Schaefer Family Limited Trust. Barrett Paving has permission to purchase the property in question from the owners. The operation would be a wet mining operation, which means that there will be a minimal amount of dust. Barrett Paving holds several mining permits currently in the state of Ohio.

Mr. Monte Yates, whose address is 2589 Needmore Road, Dayton, OH, stated that Barrett Paving has been in business since the early 1990's. They provide a critical resource for community development and especially for infrastructure projects particularly roadways that are being repaved. Over 50% of the materials are paid for with tax dollars. For every ten miles that you have to haul the aggregate away the price doubles, which means the dollars do not go as far for projects. That is the reason it is critical to have local resources.

Mr. Yates showed the Board an aerial of the property and explained the plans for berms, for security purposes and also for sight and visual purposes. Both subject parcels are in the A-1 district and are somewhat land locked by I-70 and I-675. It makes sense that being in the flood plain and also the flight path of Wright Patterson AFB that this would be the best use for the land not only with the company but also for the community.

Mr. Yates stated there will be no blasting. Instead, the wet mining method would be used. There will be no dewatering or negative impact on the local water supply or water quality. The material will be conveyed to the hopper, which is on the north side of Haddix Road and the material will be conveyed over the road. There should not be any impact on the traffic patterns or amount of traffic.

Mr. Yates also stated that mining is a transitional use. Mother nature put it there; farmers cleared the land. Where the material can be found and meets the specific requirements and geology allows we will mine. When the mining is complete the land will be reclaimed and returned to the natural state. Local examples of reclamation areas within the industry are

Eastwood Lake on State Route 4 was a former American Aggregates operation and also Madison Lakes Park on west side of town. The property will be returned to something that is useful for the surrounding area. Mr. Yates stated that Barrett Paving received an award from the NSSGA (National Stone, Sand & Gravel Association) in 2014 for Environmental Excellence.

Mr. Wallace commented on the statement that there would be no additional truck traffic. Over the time that the operation would be in business there will likely be more traffic but maybe not on any one particular day.

Mr. Yates agreed.

Mr. Wallace asked if prior to this presentation Mr. Yates went to the community for any input.

Mr. Yates stated that they try to talk with the people in the communities when they feel that it is appropriate. Due to the property being landlocked and that this would only be an addition to a current operation, there was not a need to go beyond the notification that is outlined in regulations for the meeting.

Mr. Wallace stated that he wondered if the community would agree.

Mr. Yates stated that people have all different opinions on this industry, but also people understand that it is a critical resource that is provided. He stated that he feels that his operation is value added to the community.

Mr. Spurlock asked if there is a current interceptor that runs across the property.

Mr. Yates stated that is correct and that it is the Mud Run interceptor. The mine plan will take that into consideration and will have the proper offsets off that interceptor line or work with Clark County Utilities and see if the line could be relocated.

Mr. Spurlock also stated that there is an existing channel that goes across the property in question and asked if Barrett Paving would maintain that.

Mr. Yates stated that was their intention to maintain the channel and that in the future there might be discussion with the EPA about relocating the ditch.

Mr. Peifer stated that the volume of extraction and truck traffic on any given day will remain the same. Barrett has a history of being a good neighbor and is a very sound operation.

Chairperson Greenwood asked if there were any further questions from the Board.

Mr. Wallace commented that he wondered how much benefit this operation would be to the township or the county.

Mr. Yates responded that he did not have the numbers on the tax base, but on an operation such as this it probably would be in the neighborhood of \$100,000 to \$120,000 a year.

Mr. Wallace asked if that would be an increase in property value over just farming the land.

Mr. Yates stated that is correct and with the nature of the mining business there would be a less negative effect on ground water etc. than the fertilizers that are used with farming.

Mr. Peifer stated that the local governments in Clark County are using Barrett Paving materials and also the interstates.

Chairperson Greenwood asked if anyone else would like to speak in favor of the case. There were none.

Chairperson Greenwood asked if anyone would like to speak in opposition of the case.

Ms. Joyce Massie, whose address is 4200 Dayton-Springfield Road, stated that her concern about the mining operation is the effect on the Barry Valley Aquifer. There has been a rapid increase in the areas of open water caused by the mining operations in the area. It is a very easy to see if you look at an aerial photo from 10 years ago and compare it to today. She asked the Board if there should be some sort of environmental assessment of how this mining operation is affecting the Barry Valley Aquifer. If this cannot be addressed for this particular case, that is understood. Looking to the future, this area is a prime area for this type of operation. While it is good for the community, it is important to make sure that it is not adversely affecting the Barry Valley Aquifer.

Ms. Massie stated that just north of the subject property the City of Dayton has purchased land for a future wellfield. Consideration should be given to how this operation would affect that wellfield in the future.

Ms. Massie also stated that she has lived in the area for almost 40 years. Initially the mining was slow. In the last 10 years there has been an exponential growth. She stated that she understands the business is good for the community and jobs but the concern is how the aquifer will be affected.

Chairperson Greenwood asked if anyone else would like to speak against the case.

Ms. Leigh Ann McCulla, whose address is 17 Medway Drive, stated that she had a series of questions regarding the pollution potential of the groundwater and concurs with Ms. Massie. The first question is what the expected start date for the mineral extraction would be on the subject property. Second, what is allowed set back from the stream for the operation. Third, what is the long term restoration plan and time line. Fourth, what is the long term monitoring plan for the county or the future property owner. Fifth, there is a concern about illegal dumping after the quarries are retired. The potential next owner of the property might not have a background in land stewardship and that could negatively affect the ground water.

Ms. McCulla stated that she had pulled up some maps on the computer and the whole series of aquifers in the subject area are in the red zone which means they are the most easily polluted. They also are along a major interstate (I-70) and what happens if there is a hazmat spill there.

Chairperson Greenwood asked if anyone else would like to speak against the case. There were none.

Chairperson Greenwood stated that the Applicant has a chance for rebuttal at this time.

Mr. Yates stated that he appreciated the comments and that he is a big believer in observational science. There are currently over 20 active mining operations in the Miami Valley. He agreed that the Barry Valley Aquifer is one of the best aquifers in the nation. As an industry they have

been very proactive in trying to protect it. There has been a study in SW Ohio on the impact and the results have shown no negative impact on the well fields due to the mining operations.

Mr. Yates stated if the market conditions stay the same the plan to start extracting would probably be in the next 5 to 7 years.

Mr. Yates also stated that the setbacks that were questioned are regulated by the surface mining law provisions from 2001. These setbacks are based on the amount of drainage that the stream carries. The two streams that are working through the current permit area are Smith Ditch and Mud Run. Mud Run is a little over 27,000 square miles so the setback required off of it would be 50 feet. There would be no excavating closer than 50 feet. Smith Ditch drains the ponds out of the old Victory Trucking Center and is a little less than 5,000 square miles. There is no regulation setback to stay off of that with mining but normally they try to stay off 50 to 75 feet. There is never any silting that goes into the stream. This industry is probably one of the most regulated between the state and the EPA (Environmental Protection Agency). There is no water or discharge leaving the site.

Mr. Yates explained that the Restoration Plan will be determined by what the city and the county would like to do with the property. There will be communication with the community to get an idea of what they would like. The state requires that we do carry bond and that bond averages about \$500 an acre to ensure reclamation.

Mr. Yates stated that the long term monitoring plan will depend on the post use and the property owner. At times they are turned into parks and the Park Authority will take over the monitoring. The access to the property is controlled to eliminate any kind of illegal dumping. Through fencing, berms, and vegetation the sites are controlled and isolated and there are also security cameras.

Mr. Yates responded to the question about the maps and stated that the Barry Valley Aquifer is going to have to be monitored very closely. Mr. Yates stated that he would answer any questions that the Board had at this time.

Mr. Wallace stated that in a presentation last fall there was another gravel pit that was being considered. In that instance the notion was that the gravel would be shipped by rail to Columbus. To what extent does Barrett Paving ship material to Columbus or other surrounding communities.

Mr. Yates stated most of the product that is taken out is used locally. The cost to ship it gets rather cost prohibitive. There are no current plans to use the rail system. Depending on a specialty product, a small amount of product will be moved from one location to another. There were products brought in from Ontario Canada for the on and off ramps of Interstate 675.

Mr. Wallace stated that it is pretty clear that, as far as reclamation, the state supersedes local zoning. The state is very clear in the Ohio Revised Code that they do not supersede local zoning when determining issues such as setbacks. On Haddix Road the setback is 50 feet, however Barrett Paving has received permission from the Clark County Commissioners to store overburden within 14 feet.

Mr. Yates stated that they try to interact with the community whenever there are issues that arise. He had talked with Bob Jurick on several issues to try to address their concerns. There have been open houses that provide food for residents and also a ride through the plants and answer questions and concerns. The goal is to be a good neighbor to the community.

Mr. Spurlock stated that there seems to be a general concern with the pollution of the water and asked if they maintained any on-site resources to control any hazardous spills in the water.

Mr. Yates stated that they do have a Spill Prevention Control Countermeasure plan. The details of the plan he could not explain because each operation has their own plan. There is one on-site and it is reviewed by the Ohio EPA periodically. If there were a spill to occur on Interstate 70 it would be much easier to recover any organics floating on the surface of the lake than if they were penetrating into the soil.

Mr. Spurlock asked if the total acreage was approximately 182 acres and what portion was planned to be mined.

Mr. Yates responded that they planned to mine approximately about 110 acres.

Mr. Wallace stated that aquifers tend to move and that they have a rate of flow. He asked Mr. Yates what the rate of flow was for the aquifer.

Mr. Yates stated that the rate of flow depends on the conductivity of the sand and gravel material. Generally in the area in question flow usually goes from NE to SW. The newer rivers will follow the older tributaries that are in place.

Chairperson Greenwood asked Mr. Yates to explain what is meant by storing overburden.

Mr. Yates stated that basically there will be one to two feet of topsoil, then there will be five to six feet of clay under that before you get down to the gravel or stone. That material (topsoil and clay) has to be removed to get to the product (gravel) and is used to create berms. When the property is reclaimed, that material is put back and backfilled into the mining area to possibly get it back to farming use.

Mr. Spurlock asked what the average depth was that they would be working for the gravel in the proposed area.

Mr. Yates stated that they have drilled holes that go anywhere from 8 ft. to 108 ft. The current depth that is being mined is approximately 40 ft. to 42 ft. Most of the deposit is probably located within a 30 ft. to 40 ft. depth.

Mr. Spurlock asked Mr. Yates if that is as far as they plan on going with the mining.

Mr. Yates stated that there could be a point that they would have to go a little deeper. This is very expensive and it would be important to look at the market and run the numbers before doing so. It would have to make economic sense.

Mr. Wallace stated that normally the Board is aware of any community comments regarding a case. He asked Mr. Neimayer if there has been a query to the local communities like Fairborn, Dayton, Springfield, and County Commissioners.

Mr. Neimayer stated that was not done for this case.

Mr. Peifer stated that Mad River Township was notified. This particular development is located in a very rural area. There has been no effort to preclude people from coming to give their

testament. Barrett's history is that they are a national firm but do work locally and also provide their product locally. A lot of what has been discussed is trumped by ODNR. Barrett is satisfying all the requirements that they have and they will continue to do so.

Chairperson Greenwood asked if anyone else would like to speak in favor of the variance request. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition. Hearing none he closed this portion of the public hearing at 3:08 pm.

Chairperson Greenwood asked if there was any deliberation among the Board members.

Mr. Wallace commented that the testimony seemed to show that everyone at the local level was satisfied. He stated that he was concerned about the buffering from the roadways and ditches. There has not been a lot of comment about that so the assumption is that the requirements are being met.

Mr. Smith asked Mr. Neimayer if he could show the Board the aerial view to show where the nearest residential property was.

Mr. Neimayer showed the Board the aerial views with the residential areas.

Chairperson Greenwood asked if there were any further questions. Hearing none he asked for a motion.

BZA: 07-21-2015: BZA-2015-08 ~ Conditional Use Case ~ Property Owner: T&K Brentlinger/Schaefer Family Limited Trust ~ Applicant: Barrett Paving; Monte Yates ~ Mad River Township ~ Located at 9565 Haddix Road

Motion by Mr. Spurlock, seconded by Mr. Smith, to **Approve** the Variance as presented.

VOTE: Yes: Mr. Spurlock, Mr. Smith, Mr. Wallace and Mr. Minard

No: None

Motion carries.

BZA-2015-07: Variance Case ~ Property Owner: Inez Combs ~ Applicant: GBT Realty Corporation; Jason Horowitz ~ Bethel Township ~ Located at 0 National Road

Mr. Neimayer stated that the request is for a Variance to Chapter 2, Section A to reduce the frontage of A-1 zoned property that results from a proposed lotsplit from 150 ft. to 88+ ft. The subject property is on the north side of W. National Rd. east of Enon Rd. (PID #010-06-00034-000-043), consists of 21+ acres and is currently zoned A-1 (Agricultural District). Zoning regulations require A-1 zoned property to have a minimum 150 ft. of frontage. The Applicant is proposing a Dollar General Store development on a two acre parcel to be split from the subject property and rezoned to B-1 (Neighborhood Business District). The result of that proposed lotsplit would leave the remaining A-1 zoned property with 88+ ft. of frontage on W. National Road. Therefore, the Applicant has filed this variance request.

A rezoning application has been filed to rezone the proposed two acres to B-1. That review process, which does not involve the BZA, is on hold until the variance request has been decided. Access to the proposed two acre site would have to go through ODOT for their approval. Because the property is not served by public water and sewer, the development will be serviced by on-site utilities.

Mr. Neimayer stated in the packets the Board received are letters from the County Engineers Department and the Soil & Water Conservation District. This case was reviewed at the recent Technical Review Committee meeting and there were concerns regarding storm water management. He noted that Dean Fenton from the County Engineer's Department and Jereme Best from the Soil and Water Conservation District are present and can answer questions the Board may have. Staff just recently received updated information on stormwater calculations and they are being reviewed. There was not proper time to review the information prior to the BZA meeting.

Once public notices went out Staff received many calls from area residents most in opposition of the proposed development. Most of the comments have been regarding stormwater of the area. Kathy Lycox, a resident of the area, intended to be at the meeting but lost her ride. She sent in written comments that were distributed to the Board. Charla Randolph, another area resident, called and left a message that she was not able to be at the meeting this afternoon and that she is opposed to the development.

For the record, Mr. Neimayer stated when the original notices went out to surrounding property owners there was an error made listing the area in Harmony Township. Corrected notices were sent out that the property was located in Bethel Township.

Mr. Neimayer stated that he would answer any questions from the Board at this time.

Mr. Wallace asked for clarity on the frontage.

Mr. Neimayer stated that there has been an amendment to the original application but that either way it still requires a variance request.

Mr. Spurlock asked Mr. Neimayer to show a topo map of the subject property.

Mr. Neimayer displayed the map and stated that it is relatively flat. There have been some issues with stormwater and drainage in the past.

Mr. Spurlock asked how much of the surrounding area drains onto the said property.

Mr. Neimayer asked Jereme Best from the Soil and Water Conservation District to respond to that question.

Mr. Jeremy Best, whose address is 3130 E. Main Street, stated the question was how much of the area drains into the subject property. There is not a lot of offsite drainage draining onto the site but the concern is the drainage that will be generated when the site is developed and also the water that lays there now. The drainage issues that our office has been contacted about are along the ditches of Route 40, which are in ODOT's right-of-way. The ditch that is there now is minimal at best and is semi-adequate for the houses that are currently there. If the water is increased going into the ditch it will not be going in fast enough to drain the area.

Mr. Spurlock asked what intervals the lines on the map reflected.

Mr. Best stated that the lines on the topo are at two-foot intervals. There is a watershed break and half of the water drains towards Milton-Carlisle Road and some does circle around and goes under Route 40.

Chairperson Greenwood asked if there were any more questions for Staff. Hearing none Chairperson Greenwood opens this portion of the public hearing at 2:16 pm. and asked if anyone would like to speak in favor of the case.

Mr. Bob Gage, representing the Applicant whose address is 9010 Overlook Boulevard, Brentwood TN, stated that additional calculations have been submitted concerning the drainage. Because there was not proper time for staff to review, he would like to request the Variance request to be tabled until next month. That would give time to work with Staff and see if there is a solution to the drainage issue. This could be a deal breaker if there is not an economical solution to proceed.

Mr. Gage stated that he would be more than happy to answer any questions on what the plans are and would like to listen to the comments that anyone would like to make concerning the Variance request.

Chairperson Greenwood asked if there were any questions for Mr. Gage.

Mr. Wallace stated that there seems to be a difference between tabling the issue and hearing the comments that the public would like to make.

Mr. Gage stated that the drainage issues have to be resolved or there is no point to move forward with this location. He would like his engineer's calculations to get reviewed by the County and work with them to see if there is some kind of fix to the issue. The plan now is to slow down rain flow off the site, plan to hold water onsite and have 72 hours to release it. The volume of water will actually be less than it is today. All of this needs to be reviewed prior to being able to move forward with this project. If we can get to the point that we have satisfied County Staff then that is the time I would like to come back and proceed with the variance request. We want to come in and be good neighbors.

Chairperson Greenwood asked if there were any further questions for Mr. Gage.

Mr. Wallace stated that he wanted to make a comment he did not know that it was necessary to hear all the comments at this time and maybe a neighborhood meeting would be a better option.

Mr. Gage stated that he would be open to that.

Mr. Neimayer stated that this meeting was stated as a public hearing and there is a large audience present. It would be wise for the Board and the Applicant to get on record what the concerns of the community are. Tabling the case still might be the direction the Board will go but it would be good to get the comments on record and also allow the Staff to deal with the stormwater issue.

Mr. Gage asked if because this is a variance hearing if there will be comments heard concerning the rezoning as well.

Mr. Neimayer stated that this hearing is not for the rezoning but that he cannot stop comments about the rezoning. That is something that the BZA members will have to take into consideration and separate the two issues.

Mr. Gage stated that with that being said the intent is to table the case. The intent is to reduce the frontage from the original plan.

Mr. Spurlock asked if the frontage were to be reduced what does that do to the area set aside for retention.

Mr. Gage stated that the location of the retention basin will be moved. Instead of it being on the west side of the property, it will move so that a major portion of it will be in the rear of the property. The size and the volume of the retention area will be the same.

Mr. Spurlock asked how that will have an effect on the septic system.

Mr. Gage stated that it should not have an effect on it.

Chairperson Greenwood asked if anyone else would like to speak in favor of the variance request. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition.

Mr. Colin Gierke, whose address is 6180 W. National Road, stated that his concern is that he lives on the property next to the proposed development. The main concern is drainage. The front yard at times has been flooded as big as the room that this meeting is being held in. He paid himself to increase the drainage in front of his property. He does not want them to take out the tiles that he has already put in.

Mr. Gierke also stated that he had worked with the State of Ohio and ODOT on the drainage and there are times that if the cover does not get pulled and cleaned off there will be flooding. The area is very poorly drained and has a very high water table. The major concern is drainage as the water will come onto his property. He stated that he understands how a retention pond works and that it will slow down the process but will not keep the water from coming in.

Mr. Gierke also stated that he understands this meeting is not concerning the Dollar General Store that would like to come in but that he had talked with the residents in the community and there is no one that is for the development. The two acres in question is one thing but who is to say that more will not be developed. If there is further development, the Village of Donnelsville will have to provide sewer and water and the residents that live nearby will be forced to hook up to it as well. If the property is not split and developed and left as farm land, Mr. Gierke can handle the water that comes off of it. The community will be happy to see a corn field. If this property is made into a development and it fails, it will be an eyesore for the community. Why would we want a Dollar General next door when one could get in their car and drive five minutes and be at the same facility in Springfield, Ohio. The road is not set up for additional traffic. The road is like the Indy 500. At the intersection of Enon Road, there is an accident almost every month.

Mr. Gierke stated that the area is not patrolled by Donnelsville and that the area will be patrolled by Bethel Township from New Carlisle and also Clark County. This development is not desired by the community.

Chairperson Greenwood asked if anyone else would like to speak in opposition.

Mr. Ryan Roosen, whose address is 6222 W. National Road, stated that he agreed with the comments of Mr. Gierke. Mr. Roosen's property is directly adjacent to the east of the subject property. There is a pond from the water and always in the Spring there are geese there. The drainage goes across the front of property. Mr. Roosen stated that he is an engineer by trade and does stormwater retention designs. The depth to be able to store retention is very high. He is very concerned about flooding on his property. The survey that was done when the property was purchased shows that the garage is only 3.7 feet off the property line. He has concern about the effect that any development would have on his garage or his house.

Chairperson Greenwood asked if anyone else would like to speak.

Barbara Kohn, whose address is 121 N. Hampton Road, stated that she does not live adjacent to the subject property but lives down North Hampton Road. She has lived in Bethel Township for forty years and does not want this development. She moved to the area because of it being a farm community. When Interstate 70 is closed for whatever reason, Route 40 is the main way to go and it is like a drag strip. At times the wait time is about 15 minutes to turn due to the heavy traffic. There have been 25 accidents in the last 7 years at Enon Road coming off of Interstate 40. 3.8 miles to the south in Enon is a Dollar General; 4.8 miles to the northwest there is one in New Carlisle; 5.3 miles to the east there is one in Springfield; 5.8 miles to the west in Park Layne there is a Dollar General. Currently there is a Dollar store in the Donnelsville Mall and this would put them out of business. That is a place that the community gathers and is the closest thing to a town hall that there is.

Mr. Jim Suver, whose address is 6040 W. National Road, stated that his concern is that they have the right kind of dirt to put in a septic system. He said that his daughter has a mound system and had to hire a soil expert. There is talk of putting the septic system in without a problem, without the right kind of dirt it will not happen.

Mr. Doug Frank, whose address is 104 E. Main Street, Donnellsville, Ohio, stated that his main concern was safety. He has concerns that if a retention pond was put in that it would be a mosquito trap. With the addition of the building and the driveway the land is not going to soak up rain which will cause more runoff and then possibly contaminate wells. The cars that will be parked on the property will leak oil, gas and antifreeze and that could potentially contaminate the surrounding wells.

Mr. Jerry Nunley, whose address is 6259 W. National Road, stated that he owns the property on the other side of the road and is also concerned about the drainage. He is also concerned about the increased traffic which is already a problem.

Mr. John Muncy, whose address is 567 N. Hampton Road, stated that he wanted to thank Collin Gierke for his previous comments. Mr. Muncy was born and raised in Clark County and happy to be part of the rural community that he lives in. He was away for a time while in the United States Army and also living in Dayton. This environment is meant for residential communities. The proposed store does not fit here or the environment. Dollar General Stores are known to deal with cash and are a target for crime and armed robberies. There has already been an increase in crime on that end of the county according to Sherriff Gene Kelly.

Ms. Joy Johnson, whose address is 6308 W. National Road, stated that she is Mr. Gierke's and Mr. Roosen's neighbor. She has lived in the house and is the fourth generation. Anytime there

is any flooding or rain there is flooding and ponding. There is water that stands in the cellar and is pumped out into the back yard and sits there for some time. She stated that she liked the dark nights and does not mind driving five minutes to a Dollar General Store.

Mr. David Phares, Bethel Township Trustee whose address is 9766 W. National Road, stated that there is a major water issue in the area. There are other major issues such as hours of operation, the lights at night, the ingress and egress as far as deliveries. This all plays a key issue in a rural area.

Mrs. Nancy Brown, also a Bethel Township Trustee, whose address is 3805 Tomahawk Drive, stated that her concern with the proposed development was the spot zoning. If this were to be approved and a commercial property would be at the proposed location among residential homes that would not be appropriate. She agreed with all the other statements regarding water and lighting. She stated that she is opposed to this development.

Mr. Seth Clark, whose address is 6384 W. National Road, stated that he owns property east of the proposed site and has issues with the water table. Also, when the Dollar General is here the value of the surrounding properties would plummet.

Chairperson Greenwood asked if anyone else would like to speak against the case.

Mr. Robert Seavey, whose address is 6175 W. National Road, stated that he has lived in the area for about 20 years and spends a lot of time outside. He enjoys looking out to the sunset. If the proposed development would be approved, he would be looking at a Dollar General. There is another safety factor with traffic due to the fact that the proposed location is a deer crossing. He stated that he is opposed to the proposed development.

Chairperson Greenwood asked if anyone else would like to speak.

Mr. Collin Gierke, stated that the group came together because they are not in favor of the proposed development. They would prefer that the case not be tabled and that the Board would vote on it. If it is tabled the same group will be back next month and does not wish to waste the Board's time. Mr. Gierke stated that his final comment is to the Board and thinking of this type of development being next door to you. If this was going to be built anywhere it should be downtown Donnelsville where they have public water and public sewer and the traffic would be slowed down to 35 miles an hour.

Chairperson Greenwood asked if the Applicant would like to rebut.

Mr. Gage stated that he appreciated the residents coming out and that it was good to hear concerns and get a real feel of what the community wants. He asked the Board to table the request until next month to work out some of the details that have been brought up.

Chairperson Greenwood closes this portion of the public hearing at 3:08 pm.

BZA: 07-22-2015: Executive Session for BZA-2015-07

Motion by Mr. Wallace, seconded by Mr. Spurlock, to go into Executive Session.

VOTE: Yes: Mr. Wallace, Mr. Spurlock, Mr. Smith and Mr. Minard

No: None

Motion carries.

Chairperson Greenwood noted the Time Out at 4:10 pm.

Chairperson Greenwood noted that the Board returned from Executive Session at 4:22 pm. and asked for a motion.

BZA: 07-23-2015: BZA-2015-07 ~ Variance Case ~ Property Owner: Inez Combs ~ Applicant: GBT Realty Corporation; Jason Horowitz ~ Bethel Township ~ Located at 0 National Road

Motion by Mr. Wallace, seconded by Mr. Smith, to **Table** the Variance to allow the Applicant to work with Staff on stormwater management concerns.

VOTE: Yes: Mr. Smith, Mr. Wallace, Mr. Spurlock and Mr. Minard

No: None

Motion carries.

STAFF COMMENTS

Mr. Neimayer stated the next scheduled meeting will be August 27, 2015.

ADJOURNMENT

Chairperson Greenwood asks for a motion for adjournment.

BZA: 07-24-2015 ~ Adjournment

Motion by Mr. Spurlock, seconded by Mr. Smith, to adjourn the meeting.

VOTE: Motion carries unanimously.

The meeting was adjourned at 4:30 pm.

Tim Greenwood, Chairperson